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ABSTRACT

This fact sheet documents the overrepresentation of status Indian youth in the juvenile justice and child welfare systems of Ontario (Canada). Data are limited to children and youth, age 0-19, whose parents resided on an Indian reserve; who were dealt with by the family court (not criminal court); and whose disposition was probation, training school, observation and detention facility, or care of a Children's Aid Society. Status youth from 26 Indian bands and non-status Indian and Metis youth are not included. As of March 1984, status Indian youth (1.15% of Ontario's juvenile population) constituted 2.1% of all youth on probation, 2.6% of all youth in observation and detention homes or in Children's Aid facilities, and 3.4% of all youth in training schools. Compared to the situation reported for March 1982, the percentage of training school youth that are status Indians nearly doubled, and percentages in other categories also increased somewhat. In 1983-84, the rate of involvement of status Indian youth was about 2-4 times that of the total population. Nevertheless, the relatively low absolute numbers of status Indian children creates difficulties in justifying to government the need for special programs for these children. A more accurate reflection of the reality should be gained by tracking "Native" young people, including both status and nonstatus Indians, plus Metis and Inuits. (SV)

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INDIAN CHILDREN IN ONTARIO'S JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS 1983 - 1984

January 1985

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Introduction

The over-representation of Native people in the adult criminal justice system in Ontario has been well-documented;[1] the over-representation of Native people in the juvenile justice system and the child welfare system appears to prevail as well.

A report published by the Ontario Native Council on Justice in 1983, Our Children Are Hurting, documented the situation with regard to status Indian young people in Ontario's juvenile justice and child welfare systems in 1981 - 82. The present report is designed to update that information for the fiscal year 1983 - 84.

It will be interesting to compare these data with those of subsequent years, since 1984 saw important changes to both the juvenile justice system and the child welfare system. The Young Offenders Act was proclaimed in April 1984, and a memorandum of agreement between the Ontario government and the chiefs of the Nishnawbe-Aski Nation to begin transferring responsibility for Indian child welfare services to Indian communities was signed in August 1984.

The Child and Family Services Act, scheduled to be proclaimed in July 1985, includes recognition that "Indian and Native people should be entitled to provide whenever possible their own child and family services." (Declaration of Principles)

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1. A. Birkenmayer and S. Jolly, The Native Inmate in Ontario (Toronto: Ontario Native Council on Justice and Ontario Ministry of Correctional Services, 1981).

Limitations of the Data

The information on which this report is based was generously supplied by the Ontario Ministry of Community and Social Services. The data collected in their Child Advocacy Information System (C.A.I.S.) are, unfortunately, incomplete. Several factors contribute to this situation:

1. Twenty-six Indian bands with a total on-reserve population of 7,406 people are excluded from the list employed by C.A.I.S.

2. Status Indian children are not identified as Indian if their parents are living off-reserve. An estimated 30% to 38% of persons in those age groups likely to include parents of children 0 - 19 years of age live off-reserve.[2]

3. The data relate solely to young people who have been dealt with by the Provincial Court (Family Division), not by the Provincial Court (Criminal Division), and are restricted to those children who have been placed on probation, committed to a training school or to an observation and detention facility, or placed in the care of a Children's Aid Society. Court decisions other than these are not counted.

All the data pertain to status Indian children; non-status Indian and Metis children are not included, since they are not identified by the tracking system currently in use.

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2. Indian and Northern Affairs Canada, A Demographic, Social and Economic Profile of Registered Indians in Ontario. (Ottawa: Indian and Northern Affairs Canada, 1983), p. 14.

Disproportionate Involvement

In Ontario, the number of status Indian young people 19 years of age and under has been estimated at 30,992.[3] The total number of young people in Ontario 19 years of age and under is 2,695,535.[4] Therefore, the percentage of status Indian young people in Ontario is 1.15%.

The expected percentage of status Indian young people involved with the juvenile justice and child welfare systems in Ontario then would be 1.15%. This is not the case, however.

In the 1983 - 84 fiscal year:

- status Indian children made up 2.36% (N=259) of all young people placed on probation
- status Indian children made up 4.39% (N=45) of all young people committed to training school
- status Indian children made up 2.17% (N=43) of all young people admitted to observation and detention homes for the first time
- status Indian children made up 3.73% (N=482) of all young people admitted to Children's Aid Society facilities.

On March 31, 1984 status Indians constituted:

- 2.10% (N=135) of all young people on probation
- 3.42% (N=51) of all young people who were training school wards
- 2.67% (N=5) of all young people in observation and detention homes
- 2.64% (N=242) of all young people in Children's Aid Society facilities.

In every one of the above situations, there is a greater percentage of status Indian children involved than would be expected given their share of the Ontario population aged 19 years and under.

These 1983 - 84 figures indicate an increase over the 1981 - 82 figures presented in the report Our Children Are Hurting.

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3. ibid., p. 15.
4. Statistics Canada, 1981 Census of Canada - Population (Ottawa: Ministry of Supply and Services Canada, 1982), p. 1-1.

Table 1 compares the 1983 - 84 figures with those from 1981 - 82.

Status Indian Children as a Percentage of Total	1983 - 84	1981 -82
Placed on Probation	2.36 (N=259)	1.8 (N=103)
Committed to Training School	4.39 (N=45)	2.8 (N=20)
Admitted to Observation and Detention Facilities	2.17 (N=43)	.9 (N=43)
Admitted to C.A.S. facilities	3.73 (N=482)	3.0 (N=265)

Table 1

Table 2 compares the situation on March 31, 1984 with that reported for March 31, 1982.

Status Indian Children as a Percentage of Total	March 31/84	March 31/82
On Probation	2.10 (N=135)	2.0 (N=142)
Training School Wards	3.42 (N=51)	1.9 (N=12)
In Observation and Detention Facilities	2.67 (N=5)	2.2 (N=11)
In Care of C.A.S. Facilities	2.64 (N=242)	2.3 (N=208)

Table 2

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Rates of Involvement

The rates of involvement of status Indian young people with Ontario's juvenile justice and child welfare systems in 1983 - 84 are presented in Table 3. For ease of comparison with the total population of young people (i.e. 0 - 19 years of age), the rate per 1,000 is given in each instance.

	Rates per 1,000 in 1983 - 84	
	Status Indians	Total Population 0 - 19 years
Placed on Probation	8.36	4.07
Committed to Training School	1.45	.38
Admitted to Observation and Detention Facilities	1.39	.73
Admitted to C.A.S. Facilities	15.55	4.79

Table 3

In each case the rate per 1,000 people is higher for status Indians than for the total population. In one instance--persons committed to training school--it is almost four times the rate for the total population of young people.

Conclusion

Two observations can readily be made in examining the data presented. One is that in terms of absolute numbers, there are few status Indian children in the juvenile justice and child welfare systems compared to the number of children who are not status Indians.

The other observation is that there are many more status Indian children involved than would be expected given their representation in the general population of children aged 19 years and under. They are brought into the juvenile justice and child welfare systems at a higher rate than for the general population.

One serious consequence of the relatively low absolute numbers is that it is difficult to justify to government the implementation of special programs for Indian children, in spite of the fact that they have special needs. A more accurate reflection of the actual numbers of children involved should be gained, however, when the Child Advocacy Information System begins tracking "Native" young people: this will include non-status Indian children as well as status Indian, plus Metis and Inuit. It is expected that this categorization will be implemented in April of 1985.

The higher rates at which Indian children are brought into the juvenile justice and child welfare systems is a serious problem for the Indian community. This statistical report, however, poses more questions than it answers, since it does not delve into the reasons why the higher rates exist. That remains to be the subject of a more comprehensive report.